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December 20, 2023

VIA CM/ECF

Judge Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Azam Ahmed v. Cigna Health Management, Inc., et al.*, Case No. 1:23-cv-08094-AS

Dear Judge Subramanian:

I represent Plaintiff Azam Ahmed as Lead Trial Counsel in this matter. Plaintiff Ahmed submits this joint letter motion on behalf of himself, Cigna Health Management, Inc. ("Cigna"), and Wellfleet Insurance and Wellfleet New York Insurance Company (together, "Wellfleet," and collectively with Cigna, "Defendants").

Pursuant to the Court's Order (ECF No. 40), the parties are submitting this letter-motion to propose dates in late April 2024 for the initial pretrial conference. In addition, in accordance with the Court's Individual Practices, Section 3.E, the parties jointly request: (1) an extension of time for Plaintiff Ahmed's answering memoranda of law to Defendants' anticipated motions to dismiss and (2) an extension of time for Defendants' reply memoranda of law in further support of their anticipated motions to dismiss. This is the parties' first request for an extension of time of these deadlines. As discussed below, Defendants previously asked for two extensions of their deadline to respond to the original complaint.

Plaintiff Ahmed filed his Complaint on September 13, 2023. Cigna and Wellfleet were served with the Complaint on September 27 and September 28, respectively. On October 6, Cigna filed a letter motion (with Plaintiff's consent) requesting an extension of Cigna's time to respond to the complaint to November 27. The Court granted that request on October 10. On October 17, Wellfleet filed a letter motion (also with Plaintiff's consent) likewise requesting until November 27 to respond to the complaint. On October 18, the Court granted Wellfleet's request. On November 20, 2023, the parties filed a letter motion proposing a schedule for Cigna to provide a declaration regarding whether Plaintiff Ahmed's claims at issue in the complaint were subject to Cigna's PxDx review process, Plaintiff to decide whether to file an amended complaint based on the information provided in Cigna's declaration, and the deadlines for such amended complaint and Defendants' responses to the amended complaint. On November 22, the

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Court granted the parties' requests and ordered that the parties submit a letter motion proposing new dates for the initial pretrial conference by December 20, 2023.

Pursuant to the parties' agreed-upon schedule, Plaintiff Ahmed has notified Defendants that he intends to file an amended complaint based on Cigna's declaration that Plaintiff Ahmed's claims were not subject to the Px Dx review process. As such, the parties have also discussed a potential briefing schedule, in the event Defendants file motions to dismiss in response to the amended complaint. Given the complexity of the issues and the fact that Defendants have 30 days to file motions to dismiss after service of the amended complaint, Plaintiff requests 30 days to file his answering memoranda of law and Defendants request 21 days to file their reply memoranda of law. The parties also propose that the Court hold the initial pretrial conference after the completion of the briefing on the anticipated motions to dismiss.

Thus, the parties jointly propose the following schedule for the Court's consideration:

- Plaintiff will file his answering memoranda of law within 30 days, by March 8, 2024.
- Defendants will file their reply memoranda of law within 21 days, by March 29, 2024.
- The parties propose that Court will hold the initial pretrial conference thereafter in late April 2024.

There are no other currently scheduled deadlines other than Plaintiff's obligation to file his amended complaint by January 8, 2024 and Defendants' response date of February 7, 2024 (30 days after, in accordance with Order Granting Letter Motion for Extension of Time, ECF No. 40). The requested, proposed dates do not disturb those deadlines and are all for subsequent events and deadlines.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Julie Selesnick', written in a cursive style.

Julie Selesnick